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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------------|------------------|
| 10/619,762 | 07/15/2003 | Edward Kachnic | 2000-1220-RA7 | 7378 |
| 30184 | 7590 | 02/07/2006 | EXAMINER BAHTA, KIDEST | |
| MYERS & KAPLAN, INTELLECTUAL PROPERTY LAW, L.L.C. 1899 POWERS FERRY ROAD SUITE 310 ATLANTA, GA 30339 | | | ART UNIT 2125 | |

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/619,762

Applicant(s)

KACHNIC ET AL.

Examiner

Kidest Bahta

Art Unit

2125

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 27-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 27-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/15/03.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

Claim Objections

1. Claims 1-10 objected to because of the following informalities: Claims 1-10 line 1, should be only system, not "system and method". Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2 and 4-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Choi (US 6,275,741).

Regarding claims 1-2, Choi discloses that at least one sensor, wherein data is obtained regarding the status of at least one target site by the at least one sensor; data from the at least one sensor (ccolumn 9, lines 22-25); means for transmitting the means for analyzing the data from the at least one transmitting means (Fig. 1); means for communicating the data analysis to direct a course of action of a process (Fig. 1, element 30 and 44); a machine for forming parts (Fig. 4, element 44), wherein the parts formed by the machine are imageable by the at least one sensor and wherein the data

Art Unit: 2125

relates to the presence, absence or quality of at least one of the parts (Fig. 4, element 406); for analyzing the data is a program and a programmable microprocessor (column 9, lines 21-50)

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choi (US 6,275,741) in view of Kachnic et al. (US 5,928,578).

Regarding claims 6-8, Choi discloses that the limitations of 1-2, as stated in par. 2 but Choi fails to disclose that limitations of 5-8. However, Kachnic discloses that at least one sensor is at least one charge coupled device camera (Abstract); the at least one sensor is at least one near-infrared camera (column 4, lines 55-56); at least one sensor is an optical imaging device capable of generating computer readable image data of a visual representation (column 4, line 57-60).

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify the teachings of Choi with the teachings of Kachnic in order to minimize the down time of automated machine.

6. Claims 3, 9-10 and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Choi (US 6,275,741) in view of Wunder (US 2003/0195649).

Regarding claims 3, 9-10, Choi discloses the limitation of claim 1 as stated in par. 2. However, Choi fails to disclose the limitations of claims 3 and 9-10, Wunder discloses the means for wirelessly transmitting the data and means for wirelessly transmitting the analysis results is an infrared signal communication platform ([0057]).

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify the teachings of Choi with the teachings of Wunder in order to provide current information about the accuracy of the manufacturing machine between full accuracy checks, so that the manufacturing machine may be utilized to accurately inspect parts manufactured thereby in a manner that can reduce the dependence upon post operation inspection.

Regarding claims 27-30, Choi discloses at least one sensor, wherein data is obtained regarding the status of at least one target site by the at least one sensor; data from the at least one sensor (column 9, lines 22-25); means for transmitting the means for analyzing the data from the at least one transmitting means (Fig. 1); means for communicating the data analysis to direct a course of action of a process (Fig. 1, element 30 and 44); a machine for forming parts, wherein the parts formed by the machine are imageable by the at least one sensor and wherein the data relates to the presence, absence or quality of at least one of the parts (Fig. 4, element 406). However, Choi fails to disclose the wirelessly related. However Wunder discloses controller wirelessly signals at least one operational direction in response to the indication and the

at least one operational direction controls performance of the machine having the sensory inspection system incorporated therewith ([0057] and [0065]).

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify the teachings of Choi with the teachings of Wunder in order to provide current information about the accuracy of the manufacturing machine between full accuracy checks, so that the manufacturing machine may be utilized to accurately inspect parts manufactured thereby in a manner that can reduce the dependence upon post operation inspection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed Kidest Bahta whose telephone number is 571-272-3737. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571-272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-2723-8300.

Information regarding the status of an application may be obtained from the Patent Application information Retrieval IPAIRI system. Status information for published applications may be obtained from either Private PMR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

Art Unit: 2125

more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAG system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kidest Bahta



Primary Examiner